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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008 - 264

13 **LILLIE PEARL WILLIAMS**

ACCUSATION

14 9774 Silvergate Lane
15 Elk Grove, CA 95624

16 **Registered Nurse License No. 241830,**

17 Respondent.

18 Complainant alleges:

19 **I.**

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about February 28, 1974, the Board of Registered Nursing ("Board")
25 issued Registered Nurse License Number 241830 to Lillie Pearl Williams ("Respondent"). The
26 license will expire on May 31, 2009.

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II.

STATUTORY PROVISIONS

3. Registered nursing is governed by the Nursing Practice Act, Business and Professions Code section 2700 *et. seq.*

4. Business and Professions Code section 2725, states in pertinent part the following:

§ 2725. Legislative declaration; practice of nursing; functions

(a) In amending this section at the 1973-74 session, the Legislature recognizes that nursing is a dynamic field, the practice of which is continually evolving to include more sophisticated patient care activities. It is the intent of the Legislature in amending this section at the 1973-74 session to provide clear legal authority for functions and procedures that have common acceptance and usage. It is the legislative intent also to recognize the existence of overlapping functions between physicians and registered nurses and to permit additional sharing of functions within organized health care systems that provide for collaboration between physicians and registered nurses. These organized health care systems include, but are not limited to, health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, clinics, home health agencies, physicians' offices, and public or community health services.

(b) The practice of nursing within the meaning of this chapter means those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems of the treatment thereof, that require a substantial amount of scientific knowledge of technical skill, including the following:

...

(c) "Standardized procedures," as used in this section, means either of the following:

...

(2) Policies and protocols developed through collaboration among administrators and health professions, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

...

5. Business and Professions Code section 2750 provides:

Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this

1 article [Article 3 of the Nursing Practice Act (Bus. & Prof.
2 Code, § 2700 et seq.)]. As used in this article, 'license' includes
3 certificate, registration, or any other authorization to engage
4 in practice regulated by this chapter. The proceedings under
5 this article shall be conducted in accordance with Chapter 5
6 (commencing with Section 11500) of Part 1 of Division 3
7 of Title 2 of the Government Code [the Administrative
8 Procedure Act], and the board shall have all the powers
9 granted therein.

6. Business and Professions Code section 2764 provides:

7 The lapsing or suspension of a license by operation of
8 law or by order or decision of the board or a court of law, or the
9 voluntary surrender of a license by a licentiate shall not deprive
10 the board of jurisdiction to proceed with any investigation of or
11 action or disciplinary proceeding against such license, or to
12 render a decision suspending or revoking such license.

7. Business and Professions Code section 2761 provides, in pertinent part:

12 The board may take disciplinary action against a certified or
13 licensed nurse or deny an application for a certificate or license for
14 any of the following:

14 (a) Unprofessional conduct, which includes, but is not
15 limited to, the following:

16 ... (4) Denial of licensure, revocation, suspension, restriction,
17 or any other disciplinary action against a health care professional
18 license. . . by any other governmental agency, or by another
19 California health care professional licensing board. A certified
20 copy of the decision or judgment shall be conclusive evidence of
21 that action.

20 8. Code section 125.3 provides that the Board may request the administrative
21 law judge to direct a licentiate found to have committed a violation or violations of the licensing
22 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
23 the case.

24 9. Title 16 of the California Code of Regulations, section 1444 states as
25 follows:

26 **§1444. Substantial relationship criteria**

27 A conviction or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a

manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) Penal Code section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

10. Long-term social and health support services are regulated, in part, by The California Residential Care Facilities for the Elderly Act (Health & Safety Code section 1569 *et. seq.*). Health & Safety Code section 1569.1, states in pertinent part the following:

§1569.1. Legislative findings and intent

The Legislature hereby finds and declares:

(a) The Legislature has taken steps in recent years to develop a continuum of long-term social and health support services for older persons in the community that provide a range of options for long-term care and residential care facilities for the elderly are central in that continuum.

(b) These efforts require a reevaluation of residential care for the elderly outside the constraints of the Community Care Facilities Act.

...

(f) The fluctuating health and social status of older persons demands a system of residential care that can respond to these needs by making available multilevels of service within the facility, thus reducing the needs for residents with fluctuating conditions to move between medical and nonmedical facilities.

(g) Residential care facilities for the elderly which are not primarily medically oriented represent a humane approach to meeting the housing, social and service needs of older persons, and can provide a homelike environment for older persons with a variety of care needs.

(h) It is, therefore, the intent of the Legislature to require that residential care facilities for the elderly be licensed as a separate category within the existing licensing structure of the State Department of Social Services.

11. Health & Safety Code section 1569.2, provides definitions of terms within The California Residential Care Facilities for the Elderly Act (Health & Safety Code section 1569 *et. seq.*), including the following:

1 **§ 1569.2. Definitions**

2 As used in this chapter:

3 (a) "Administrator" means the individual designated by the licensee
4 to act in behalf of the license in the overall management of the
5 facility. The licensee, if an individual, and the administrator may
6 be one and the same person.

7 (b) "Care and supervision" means the facility assumes
8 responsibility for, or provides or promises to provide in the future,
9 ongoing assistance with activities of daily living without which the
10 resident's physical health, mental health, safety or welfare would
11 be endangered. Assistance includes assistance with taking
12 medications, money management, or personal care.

13 ...

14 (m) "Supportive services" means resources available to the
15 resident in the community which help to maintain their functional
16 ability and meet their needs as identified in the individual resident
17 assessment. Supportive services may include any of the following:
18 medical, dental, and other health care services; transportation;
19 recreational and leisure activities; social services; and counseling
20 services.

- 21 12. Health & Safety Code section 1569.50, provides, in pertinent part the following:

22 **§ 1569.50. Denial, suspension or revocation of license;
23 grounds; temporary suspension pending hearing**

24 The department may deny an application for a license or may
25 suspend or revoke any license issued under this chapter upon any
26 of the following grounds and in the manner provided in this
27 chapter:

28 (a) Violation by the license of this chapter or of the rules and
 regulations adopted under this chapter.

 (b) Aiding, abetting, or permitting the violation of this chapter or
 of the rules and regulations adopted under this chapter.

 (c) Conduct which is inimical to the health, morals, welfare, or
 safety of either an individual in or receiving services from the
 facility or the people of the State of California.

 ...

13. Title 22, of the California Code of Regulations, section 87575, provides as
 follows:

§ 87575. Incidental Medical and Dental Care.

 (a) A plan for incidental medical and dental care shall be
 developed by each facility. The plan shall encourage routine
 medical and dental care and provide for assistance in obtaining

such care, by compliance with the following:

(1) The licensee shall arrange, or assist in arranging, for medical and dental care appropriate to the conditions and needs of residents.

(2) The licensee shall provide assistance in meeting necessary medical and dental needs. This includes transportation which may be limited to the nearest available medical or dental facility which will meet the resident's need. In providing transportation the licensee shall do so directly or make arrangements for this service.

(3) There shall be arrangements for separation and care of residents whose illness requires separation from others.

(4) When residents require prosthetic devices, vision and hearing aids, the staff shall be familiar with the use of these devices, and shall assist such persons with their utilization as needed.

(5) The licensee shall assist residents with self-administered medications as needed.

(6) Facility staff, except those authorized by law, shall not administer injections, but staff designated by the licensee may assist persons with self-administration as needed. Assistance with self-administered medications shall be limited to the following:

(A) Medications usually prescribed for self-administration which have been authorized by the person's physician.

(B) Medications during an illness determined by a physician to be temporary and minor.

....

14. Title 22, of the California Code of Regulations, section 87701, provides as follows:

§ 87701. Prohibited Health Conditions.

(a) In addition to Section 87582(c), the following persons who require health services for or have a health condition including, but not limited to, those specified below shall not be admitted or retained in a residential care facility for the elderly:

(1) Stage 3 and 4 pressure sores (dermal ulcers).

(2) Gastrostomy care.

(3) Naso-gastric tubes.

(4) Staph infection or other serious infection.

(5) Residents who depend on others to perform all activities of daily living for them as set forth in Section 87584.

1 (6) Tracheotomies.

2
3 **III.**

4 **GENERAL BACKGROUND**

5 15. On December 20, 1993, the California Department of Social Services
6 issued Administrator Certificate No. 5503988740 to Respondent allowing her to serve as an
7 administrator of a residential care facility for the elderly. Respondent is licensed to operate the
8 following residential care facilities for the elderly:

- 9
- 10 A. Lillie Care Home, 6831 Golf View Drive, Sacramento, CA 95822 (initially
11 licensed on December 6, 1998).
 - 12 B. Williams Residential Care Home, 7468 Red Willow Street, Sacramento,
13 CA 95822 (initially licensed August 29, 1993.)
 - 14 C. Williams Group Home, 7467 Red Willow Street, Sacramento, CA 95822
15 (initially licensed June 30, 1993).
 - 16 D. Golf View Manor, 6821 Golf View Drive, Sacramento, CA 95822
17 (initially licensed June 30, 1993).

18 16. The California Department of Social Services is an agency of the State of
19 California, responsible for the licensing and inspection of residential care facilities for the
20 elderly.

21 17. On July 27, 2005, the California Department of Social Services filed
22 Accusation CDSS No. 7205119001 against Respondent, for alleged violations under the Health
23 and Safety Code and violations under Title 22 of the California Code of Regulations. A First
24 Amended Accusation was filed in Case CDSS No. 7205119001 on November 2, 2005.

25 18. A stipulation, waiver & order between the California Department of Social
26 Services and Respondent was entered into in January 2006, and became effective on February 22,
27 2006. In the stipulation, at page 4, ¶ 7, Respondent made the following admissions:

- 28 7. Respondent stipulates that Paragraphs 1 through 11 of
[First Amended Accusation] are true and correct and that there
have been violations applicable statutes and regulations regarding:
(a) incidental medical & dental care; (b) personal rights; (c)
prohibited and restricted health conditions; (d) dementia care; (e)
staffing and personnel qualifications; (f) bonding, safeguards for

1 cash & record keeping and (h) reporting & administrator
2 qualifications.¹

3 19. The terms and conditions in the stipulation included the following: (1)
4 The license to operate the Lillie Care Home facility and Respondent's Administrator certificate
5 were revoked, the revocation stayed, and the Lillie Care Home facility was limited to six (6)
6 residents, with additional terms and conditions. (2) The licenses to operate the Williams
7 Residential Care Home, the Williams Group Home, and the Golf View Manor were revoked, the
8 revocations immediately stayed to allow Respondent time to sell, lease, or otherwise transfer the
9 facilities to a good-faith, bona-fide applicant(s).

10 IV.

11 **STATUTORY VIOLATION**

12 **B&P §2761(a)**

13 **(Unprofessional Conduct)**

14 20. Paragraphs 15 through and 19 are incorporated herein by reference.
15 Respondent's license is subject to discipline for unprofessional conduct under Code section
16 2761, subdivision (a), based upon the underlying conduct resulting in the discipline of her
17 Administrator Certificate No. 5503988740, and as against her four facilities, by the California
18 Department of Social Services on February 22, 2006,

19 **B&P §2761(a)(4)**

20 **(Disciplinary Action)**

21 21. Paragraphs 15 through and 20 are incorporated herein by reference.
22 Respondent's license is subject to discipline for unprofessional conduct under Code section
23 2761, subdivision (a)(4), in that on February 22, 2006, the California Department of Social
24 Services imposed discipline on her Administrator Certificate No. 5503988740, and as against her
25 ///

26 _____
27 1. More specifically, paragraph 11 of the First Amended Accusation alleged violations of
28 "Health & Safety Code §§ 1569.50(a)-(c); 1569.616" and title 22 of the California Code of
"Regulation §§87565; 87575; 87581; 87591; 87711; 87724."

1 four facilities. The California Department of Social Services is a government agency and/or a
2 California health care professional licensing board.


3 V.

4 **PRAYER**

5 **WHEREFORE**, Complainant requests that a hearing be held on the matters
6 herein alleged, and that following the hearing the Board issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 241830,
8 issued to Lillie Pearl Williams;
- 9 2. Ordering Lillie Pearl Williams to pay the reasonable costs incurred by the
10 Board in the investigation and enforcement of this case pursuant Code section 125.3; and,
- 11 3. Taking such other and further action as deemed necessary and proper.

12 **DATED:** 3/18/08

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14 
15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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